

UNITED STATES DISTRICT COURT
of the
SOUTHERN DISTRICT OF NEW YORK

X

Edwin L. Christian, Christopher T. Confrey,
John Cronin, Don DeNardo, Kenneth Klemens Jr.,
John F. O'Hare, Denise M. Richardson & Ernesto Tersigni
in their capacity as the Board of Trustees of the Pension
Fund of the International Union of Operating Engineers
Local 14-14B, AFL-CIO.-

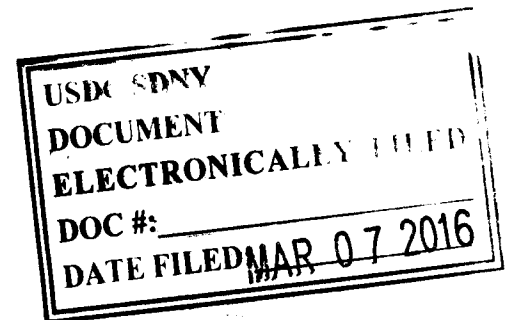
Plaintiffs

-against-

Claude O. Powell Jr.

Defendant

X



ANSWER

16-CIV-673

Ordered

Post to clerk. Defendant is
instructed to make all filings
through the pro se office as provided
for in the rules.

3/7/16

K.B. Forrester
USDC

Background Information.

Defendant Claude O. Powell Jr. of 4556 Richardson Avenue. Bronx, N.Y. 10407 was part of a training program offered by the IUOE (Plaintiffs) on or about 1984. A few associates of mine Robert Noel (resigned) Luis De Vail (active) and other who attended the program then located at J.F.K Airport. The above names and I complain to the attorney general office of New York State about the graduating practices of the IUOE. It was a four year program and they (IUOE) would give you only four unexplained absences and would not graduate most minority students. When the attorney the attorney general got involved they (IUOE) relocated the school to Montrose, N.Y. which we perceived as a ploy to alter attendance. As we attended the new facility two years went by. The Attorney General office looked in on our progress and somehow persuaded the IUOE to graduate me only after two years of school. In 1986 I joined the union (IUOE) under a 14B status. After obtaining my HMO class A license I was recognized as a 14 crane operator.

(1) Enforcement of plan Provision.

In 2009 I injured my left knee crossing the street at 103street and 2nd avenue NYC. I was working as a crane operator for IUOE local 14-14B. My injury is a shattered (tibia) knee. Half of the knee was replaced with three donor bones. The result is permanent arthritis. (No cartage donor bones). So I am always in pain there for I am permanently disabled.

(2) Equitable Restitution of Pension Benefit Payment.

On or about July 11, 2015 I contacted Social Security (claim # 121-54-1530AD1Bc-D PH#866-347-0054 ext. 19632 Ms. N. Boyd). I informed Social Security that I was going back to work and they can cancel my Disability Benefits. Soon after I received a letter from International Union Operating Engineers local 14 pension fund. Stating if I did not contact them with disability proof my benefits canceled. So I am only liable for four months of over payment.

(3) Unjust Enrichment.

On or about December 1, 2011 my lawyer Rosenberg, Minc, Falkoff & Wolff, LLP settled a benefit issue with the IUOE welfare fund in the amount of \$8,403.98 check was issued March 19, 2012. Attorney for IUOE On these same issues was Brady McGuire & Steinberg P.C. who was well aware of my New York City comptroller settlement of 1.9 million dollars.

(4) Fraud.

I renewed my HMO license 2510a every year after my 2009 injury because it was an honor and an accomplishment to receive one after the battle the Attorney General put fourth against the IUOE. I did not file a fraudulent case with the IUOE. I was not able to operate foot pedal cranes. The cranes which have no foot pedals are electric climbing tower cranes. The IUOE reserve these cranes for a select group of white crane operators. I was offered a job by a non-union company U.S crane & Rigging LLC on June 10, 2015 which is my first job since my 2009 injury. As for the IUOE recovery \$91,662.00 it is a retaliation against my employer for being non-union.

(5) Attorneys' Fees and Cost.

Attorney fees should be waved being that the only reason there is an issue is because I refused to give inside information about my employer to the International delegate Albe Shout PH# 202-330-1904. We set up a meeting and I refused to show.

WHEREFORE defendant asks this Court to dismiss the complaint and enter judgment in favor of defendant.

COUNTERCLAIM

I feel the Plaintiffs in this case are wasting the Courts and My time. So they (I.U.O.E.) should pay Me \$1,000,000.00 dollars.

I DECARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signed this 04 day of March, 2016.

Claude Sparrow

Signature of Defendant

4556 Richardson Ave

Address

Bx, NY 10470

917 856 5826

Phone Number


LEAH R. SHAW
Notary Public, State of New York
NO. 01SH6304923
Qualified in New York County
Commission Expires June 02, 2018

3/4/16